

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2666

IN THE MATTER OF:

Served February 19, 1985

Application of AMERICAN COACH )  
LINES, INC., for Declaratory Order )  
or, in the Alternative, Temporary )  
Authority to Conduct Charter )  
Operations Between Points in the )  
Metropolitan District )

Case No. AP-85-08

By application filed February 12, 1985, American Coach Lines, Inc., ("ACL" or "applicant") seeks a declaratory order defining the scope of WMATC Certificate No. 1 to authorize charter operations between points in the Metropolitan District. In the alternative, ACL seeks temporary authority to conduct charter operations between points in the Metropolitan District 1/ based on the statement of immediate and urgent need and supporting affidavits submitted with its application.

Applicant holds WMATC Certificate No. 1 which authorizes transportation of passengers for hire as follows:

IRREGULAR ROUTES:

Passengers and their baggage:

(a) CHARTER OPERATIONS:

Round-trip sightseeing or pleasure tours,  
between points in the Metropolitan District;

(b) SPECIAL OPERATIONS:

Round-trip sightseeing or pleasure tours,  
between points in the Metropolitan District.

RESTRICTED in (a) and (b) above against any intrastate transportation within the states of Maryland and Virginia.

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1/ To the extent this application could be interpreted to seek authority to transport passengers between points located solely within Virginia, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

A grant of ACL's application whether by declaratory order or issuance of temporary authority would remove all restrictions pertaining to charter operations from applicant's certificate. Specifically, ACL's geographic authority would be expanded to encompass intrastate operations in Montgomery and Prince George's Counties, Md., and ACL would be authorized to conduct general charter service and point to point transfers in addition to sightseeing and pleasure tours. It is ACL's position that its existing certificate should be interpreted by the Commission to include these services.

The application includes six letters of support and other submissions. ACL states that financial statements are being prepared and will be submitted. The application is available for inspection at the office of the Commission during its regular business hours.

Unaccountably, applicant has submitted a tariff for the proposed service which, while it bears the same designation 2/ as the currently approved tariff which was filed August 3, 1984, contains increased charter rates, deletes a category of vehicle and rates therefor, and introduces rates for airport transfers. This raises a question whether applicant, in the context of this Petition for Declaratory Order/Application for Temporary Authority, also seeks changes and general increases in its charter rates, or whether applicant has already implemented such changes without Commission approval. Applicant will be required to submit a notarized statement indicating in detail all rates it has charged between August 3, 1984, and the date of this Order, and further indicating its intentions with regard to the tariff filed in this matter.

Applications for temporary authority are governed by Title II, Article XII, Section 4(d)(3) of the Compact. In view of applicant's allegation of immediate and urgent need, this order will provide notice of ACL's application, and a brief time will be provided for the filing of protests. No extension of time will be granted, except for good cause shown.

THEREFORE, IT IS ORDERED:

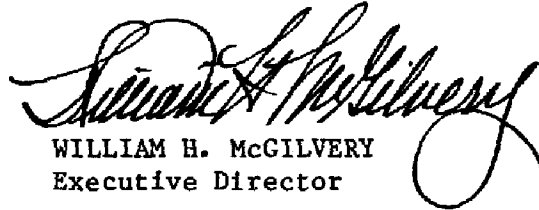
1. That any person desiring to protest this matter, either as to the request for declaratory order or the application for temporary authority, shall file a protest in accordance with Commission Rule No. 14, at the office of the Commission, 1625 I Street, N.W., Suite 316, Washington, D.C. 20006, no later than Tuesday, February 26, 1985, and shall simultaneously serve a copy of such protest on counsel for applicant, Robert R. Harris, Esq., 1730 M Street, N.W., Suite 501, Washington, D.C. 20036.

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2/ WMATC Tariff #4 cancels WMATC Tariff #3.

2. That applicant shall submit, no later than February 26, 1985, a notarized statement indicating in detail all rates it has charged between August 3, 1984, and the date of this Order, and further indicating its intentions with regard to the tariff filed in this matter on February 12, 1985.

FOR THE COMMISSION:

A handwritten signature in dark ink, appearing to read "William H. McGilvery", written in a cursive style. The signature is positioned above the printed name and title.

WILLIAM H. MCGILVERY  
Executive Director